

AMENDED IN ASSEMBLY JUNE 30, 2015

AMENDED IN SENATE MARCH 26, 2015

SENATE BILL

No. 320

Introduced by Senator Lara

February 23, 2015

An act to amend Section 49013 of the Education Code, relating to pupil fees.

LEGISLATIVE COUNSEL'S DIGEST

SB 320, as amended, Lara. Pupil fees: complaint of noncompliance: regulations.

Existing law prohibits a pupil enrolled in a public school from being required to pay a pupil fee for participation in an educational activity. Existing law authorizes a complaint of noncompliance to be filed with the principal of a school for violation of that prohibition, as specified, and required public schools to establish local policies and procedures to implement the complaint provisions.

This bill would prohibit a public school from establishing a local policy or procedure that authorizes the public school to resolve a complaint by providing a remedy to the complainant without also providing a remedy to all affected pupils, parents, and guardians, as provided. The bill would authorize the Superintendent of Public Instruction to ensure that an appeal that the State Department of Education finds merit in is resolved in a timely manner and would require the Superintendent, on or before June 30, 2016, to adopt regulations to govern the use of that authority, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49013 of the Education Code is amended
2 to read:

3 49013. (a) A complaint of noncompliance with the
4 requirements of this article may be filed with the principal of a
5 school under the Uniform Complaint Procedures set forth in
6 Chapter 5.1 (commencing with Section 4600) of Division 1 of
7 Title 5 of the California Code of Regulations.

8 (b) A complaint may be filed anonymously if the complaint
9 provides evidence or information leading to evidence to support
10 an allegation of noncompliance with the requirements of this
11 article.

12 (c) A complainant not satisfied with the decision of a public
13 school may appeal the decision to the department and shall receive
14 a written appeal decision within 60 days of the department's receipt
15 of the appeal.

16 (d) If a public school finds merit in a complaint, or the
17 department finds merit in an appeal, the public school shall provide
18 a remedy to all affected pupils, parents, and guardians that, where
19 applicable, includes reasonable efforts by the public school to
20 ensure full reimbursement to all affected pupils, parents, and
21 guardians, subject to procedures established through regulations
22 adopted by the state board.

23 (e) Information regarding the requirements of this article shall
24 be included in the annual notification distributed to pupils, parents
25 and guardians, employees, and other interested parties pursuant to
26 Section 4622 of Title 5 of the California Code of Regulations.

27 (f) Public schools shall establish local policies and procedures
28 to implement the provisions of this section on or before March 1,
29 2013. A public school shall not establish a local policy or procedure
30 pursuant to this subdivision that authorizes the public school to
31 resolve a complaint filed pursuant to this section, whether formally
32 or informally, by providing a remedy to the complainant without
33 also providing a remedy to all affected pupils, parents, and
34 guardians, as required by subdivision (d).

35 (g) The Superintendent shall have all power and authority
36 necessary to ensure that, when the department finds merit in an
37 appeal filed pursuant to this section, the complaint is resolved
38 pursuant to subdivision (d) in a timely manner. On or before June

30, 2016, the Superintendent shall adopt regulations to govern the use of this authority. The regulations shall include, but are not limited to, provisions that do all of the following:

(1) Specify that, if the department finds merit in an appeal filed pursuant to this section, the department's written decision shall identify with specificity the corrective action that the public school ~~must~~ *shall* take to confirm that it has provided a remedy to all affected pupils, including, if applicable, specific direction regarding the reasonable efforts the public school shall take to ensure full reimbursement to all affected pupils.

(2) ~~Specify that the department may that, if the public school failed to address an issue raised in the complaint filed pursuant to this section in the public school's decision about that complaint, the department shall require the public school to respond to the issue within 10 business days and, after providing this opportunity to respond, the department shall make findings on the merit of the appeal without remanding the complaint to the public school for further consideration, regardless of whether the public school addressed an issue in its decision about the underlying complaint, and may rely on evidence presented for the first time on appeal, if the department concludes such evidence is reliable. provided the required response.~~

(3) *Specify that, if the complainant submits evidence in conjunction with the appeal that is related to an issue raised in the underlying complaint and that is presented for the first time on appeal, the department shall notify the public school of the new evidence and provide the public school with 10 business days to respond to the new evidence, and, after providing this opportunity to respond, the department shall make findings on the merit of the appeal without remanding the complaint to the public school for further consideration, regardless of whether the public school provided the required response.*

(4) *Specify that, if the complainant raises one or more issues on appeal that were not presented in the underlying complaint, the department shall remand any new issue to the public school to treat as a newly filed complaint as provided in this section, but shall resolve the remainder of the appeal as provided in this section.*

~~(3)~~

1 (5) Require the public school to provide to the department,
2 within 60 days of the department's written decision, evidence
3 documenting that the public school has complied with any
4 corrective action specified in the written decision and the
5 requirements of subdivision (d).

6 ~~(4)~~

7 (6) If the public school has not satisfied the requirement in
8 paragraph ~~(3)~~, (5), require the superintendent of the school district
9 or the county office of education or the principal of the charter
10 school, as appropriate based on the public school involved in the
11 underlying complaint, to appear at the next regularly scheduled
12 meeting of the state board to explain the public school's failure to
13 satisfy that requirement.

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